

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JUN 15 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.606(b),	)	MM Docket No. 01-82
Table of Allotments,	)	RM-10068
Television Broadcast Stations.	)	
(Bend, Oregon)	)	

REPLY COMMENTS OF 3-J BROADCASTING COMPANY

1. 3-J Broadcasting Company ("3-J") hereby replies to the Comments filed in the above-captioned proceeding by Bend Licenses, Limited Partnership ("BLLP").

2. In its Comments, BLLP opposed the proposed allotment of Channel 51 to Bend, Oregon. According to BLLP, the proposed allotment is "technically deficient" because, supposedly, it would not afford adequate protection to Class A LPTV Station KOXO-CA, Newburg, Oregon. BLLP also claims that allotment of Channel 51 would be "inefficient" because it might displace a number of low power and/or translator stations in the Bend area. Neither of BLLP's claims withstands scrutiny.

3. First, as set forth in the accompanying Engineering Statement of Robert McClanathan, P.E., BLLP's assertion of potential interference to Station KOXO-CA is, at most, wishful thinking which ignores the realities of geography, topography and history. Bend, located in central Oregon, is separated from Newburg, located in the Willamette Valley, by almost 200 miles and, more importantly, by the Cascade Mountains. According to Mr. McClanathan -- who, in addition to being a licensed

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professional engineer, is a resident of Portland, Oregon and, therefore, directly familiar with the geography and topography of the area in question -- "complete and extreme terrain shielding exists" between Bend and Newburg thanks to the Cascades. It is frivolous to suggest otherwise.

4. Moreover, even if the terrain shielding effect were to be ignored for the moment, history demonstrates that television broadcasters in Bend neither require in theory nor utilize in fact the extravagant facilities posited by BLLP as a prerequisite to its conclusion that interference will occur. BLLP's argument is based on the assumption that the proposed Bend channel would be utilized by a station operating with 5,000 kW of power and a non-directional antenna. But BLLP is itself the licensee of Station KTVZ(TV), Bend. As set forth in Mr. McClanathan's statement, and as is independently verifiable in the Commission's records, BLLP manages to serve the Bend community with a directional antenna and 136 kW ERP. This is not surprising in view of the fact that the proximity of the Deschutes National Forest and the Cascade Mountains discourages -- indeed, obviates the need for -- high-power, non-directional operation in the Bend area.

5. Thus, BLLP's expressed concern about the fate of Station KOXO-CA is based on extravagant, unreal assumptions which fly in the face of even BLLP's own real-world experience. As demonstrated by Mr. McClanathan, no interference between the proposed Channel 51 in Bend and Station KOXO-CA is possible. BLLP's imaginative claims should not be allowed to prevent, or

even slow down, adoption of the proposed allotment.

6. BLLP's second argument, concerning the supposed inefficiency of the proposed allotment, is even more bogus. BLLP seems to be saying that, because a full-service operation might displace several low power or translator operations, the full-service allotment should not be adopted. There are at least two problems with BLLP's claims. First, a number of the low power/translator stations listed by BLLP would not in any event be subject to interference, according to Mr. McClanathan's statement. That is because of the terrain shielding effects noted above. BLLP's arguments relative to those stations are thus more imaginary than real.

7. As noted by Mr. McClanathan, there are a small number of LPTV/translator stations which would be displaced by a new Channel 51 operation in Bend. But the Commission long ago decided as a matter of sound regulatory policy that LPTV and translator stations are secondary in nature, and will not be allowed to prevent the initiation of new full-power television service. Thus, even if all of the stations listed by BLLP would really be subject to actual interference, the fact is that the Commission's rules and policies establish that use of a channel by a full-service station is inherently more efficient than use of the same channel (or adjacent channels) by a number of low-power stations. As a result, BLLP's claims of "inefficiency" are simply contrary to the Commission's established rules and policies, and must be ignored.

8. 3-J remains intent upon obtaining authority to

construct and operate a new television station on Channel 51 in Bend. While BLLP would doubtless prefer to avoid the advent of competition in the Bend market <sup>1/</sup>, BLLP's private interests should not be permitted to override the public interest in providing additional over-the-air television service to the residents of Bend. The undeniable increase in diversity in local programming -- including news, public affairs, PSA's, sports and other programming -- as well as the salutary effect which the advent of competition would have on advertising rates would obviously benefit the large, and growing <sup>2/</sup>, community of Bend. Accordingly, 3-J urges the Commission to proceed as expeditiously as possible to the final allotment of Channel 51 to Bend.

Respectfully submitted,

  
/s/ Harry F. Cole  
Harry F. Cole

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Counsel for 3-J Broadcasting Company

June 15, 2001

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<sup>1/</sup> BLLP is the licensee of the only commercial television station licensed to Bend.

<sup>2/</sup> According to the U.S. Census, the population of Bend increased some 150% between 1990 and 2000, going from 20,469 to 52,029. Surrounding Deschutes County experienced similar population growth, increasing from 74,958 to 115,367.

**McCLANATHAN and ASSOCIATES, INC.**

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**SUPPLEMENT**

**ENGINEERING STATEMENT**

for

**3-J BROADCASTING COMPANY**

concerning

**MM Docket No. 01-82**

The following comments and exhibits support the FCC Notice of Proposed Rule Making, MM Docket No. 01-82, to amend the NTSC and DTV Table of Allotments, Sections 73.606(b) and 73.622(b), to add TV channel 51 to the city of Bend, Oregon.

**I. Existing KTVZ Ch. 21 Commercial TV Service.**

Existing TV Station KTVZ was first licensed to Bend, Oregon in 1977. KTVZ has continually and successfully provided the only commercial local TV origination to most areas of Deschutes, Crook and Jefferson Counties. KTVZ has accomplished this excellent service to the public by transmitting with a directional antenna from Awbrey Butte in Bend with a major lobe power of 136 kW ERP. With more than twenty years service to its credit KTVZ has demonstrated that higher antenna power is not necessary to provide reception within its service area.

**II. Rebuttal to Comments of Bend Licenses, LP**

The geographic coordinates for the proposed channel 51 TV allocation stated in MM Docket No. 01-82 are for the city of Bend, Oregon. Most radio and TV broadcasters in Bend operate at an antenna site located on Awbrey Butte located approximately 2.9 km Northwest of the Bend city coordinates. It is expected that a new channel 51 antenna site will also be located on Awbrey Butte and this site does meet all channel 51 NTCS and DTV minimum spacing requirements.

The Comments of Bend Licenses, Limited Partnership (Bend Licenses) dated May 31, 2001 are technically exaggerated and misleading. All technical statements and data previously provided by 3-J Broadcasting Company (3-J) are, and remain, accurate.

To demonstrate this more fully it is assumed the channel 51 TV antenna will also be located on Awbrey Butte where a consortium of the present communications services and broadcasters are proposing to construct a new multi-service antenna support structure to reduce or eliminate the clutter of existing individual tower structures. It is expected that the existing, and presently the highest tower, owned by Oregon

Public Broadcasting (OPB) will remain on Awbrey Butte. The OPB tower now supports the antennas for several FM stations and KOAB-TV with coordinates at 44-04-41N, 121-19-57W. The following discussion will assume the new channel 51 antenna will be located on the KOAB-TV tower with a center of radiation 250 feet above ground level.

Bend Licenses states that interference will be caused to Class A LPTV station KOXO-CA in Newberg, Oregon. It is absolutely impossible for any channel 51 NTSC or DTV transmission from any site in the greater Bend area to cause any prohibited, measurable or perceivable interference to KOXO-CA for the following reasons.

First, complete and extreme terrain shielding exists between Central Oregon, where Bend, Awbrey Butte, KTVZ and KOAB-TV are located, and the protected 74 dBu service area of KOXO-CA in the Willamette Valley area of Newberg. KOXO-CA is located 193.1 km from KOAB-TV on a true bearing of 318 degrees. Exhibit 1 is a terrain plot showing this terrain shielding which is caused by the high and continuous North-South Cascade Mountain Range.

Second, Bend Licenses assumes the channel 51 licensee will operate with a NTSC antenna power of 5000 kW and a non-directional antenna whereas, as described above, Bend Licenses has, with 23 years of successful operation, demonstrated that the lower antenna power of 136 kW ERP and a directional antenna provides excellent TV coverage to the desired service areas. Most all areas further West of Awbrey Butte are within the Deschutes National Forest and the Cascade Mountains so radiating high antenna power in a westerly direction is not in a broadcasters best interest as Bend Licenses has continually demonstrated with use of their directional antenna.

Exhibit 2 is a contour plot showing the relationship of protected and interfering contours for both KOXO-CA and a proposed channel 51 station operating from the same site, directional antenna and ERP as KTVZ. No possible interference is caused to KOXO-CA even if the extreme terrain shielding did not exist.

Exhibit 3 is a similar contour plot but with the proposed channel 51 antenna mounted on the existing KOAB-TV tower with a center of radiation 250 feet AGL utilizing the same directional antenna pattern as KTVZ but with an antenna power of 200 kW ERP. With the higher ERP there would be no interference to KOXO-CA even if terrain shielding did not exist.

Bend Licenses has claimed that "Grant Of The Proposed Allotment Of A New NTSC Channel 51 To Bend, Oregon Would Constitute An Inefficient Use Of The Broadcast Spectrum And Would Not Advance The Public Interest." Here again, this claim was made using a proposed channel 51 power of 5000 kW ERP, a maximum antenna HAAT of 600 meters and no allowance for terrain shielding as permitted in 47 CFR Section 73.613(j).

The present antenna HAAT for KTVZ is 197 meters and KOAB-TV is 227.1 meters. The expected HAAT for any channel 51 operation from Awbrey Butte will be between these two heights.

Bend Licenses has also totally ignored the complete and severe terrain shielding between Awbrey Butte and most of the LPTV stations they list as being displaced by the grant of channel 51. All of the co-channel 51 LPTV stations they list in Eugene, London Springs, Roseburg, Cave Junction, Milton-Freewater and The Dalles are extremely terrain shielded from Awbrey Butte and all other possible TV antenna sites which would serve the Bend area. However, the three new LPTV applications tendered on channel 51 for Bend and Black Butte Ranch will be displaced due to their close proximity to Bend.

Respectfully submitted.

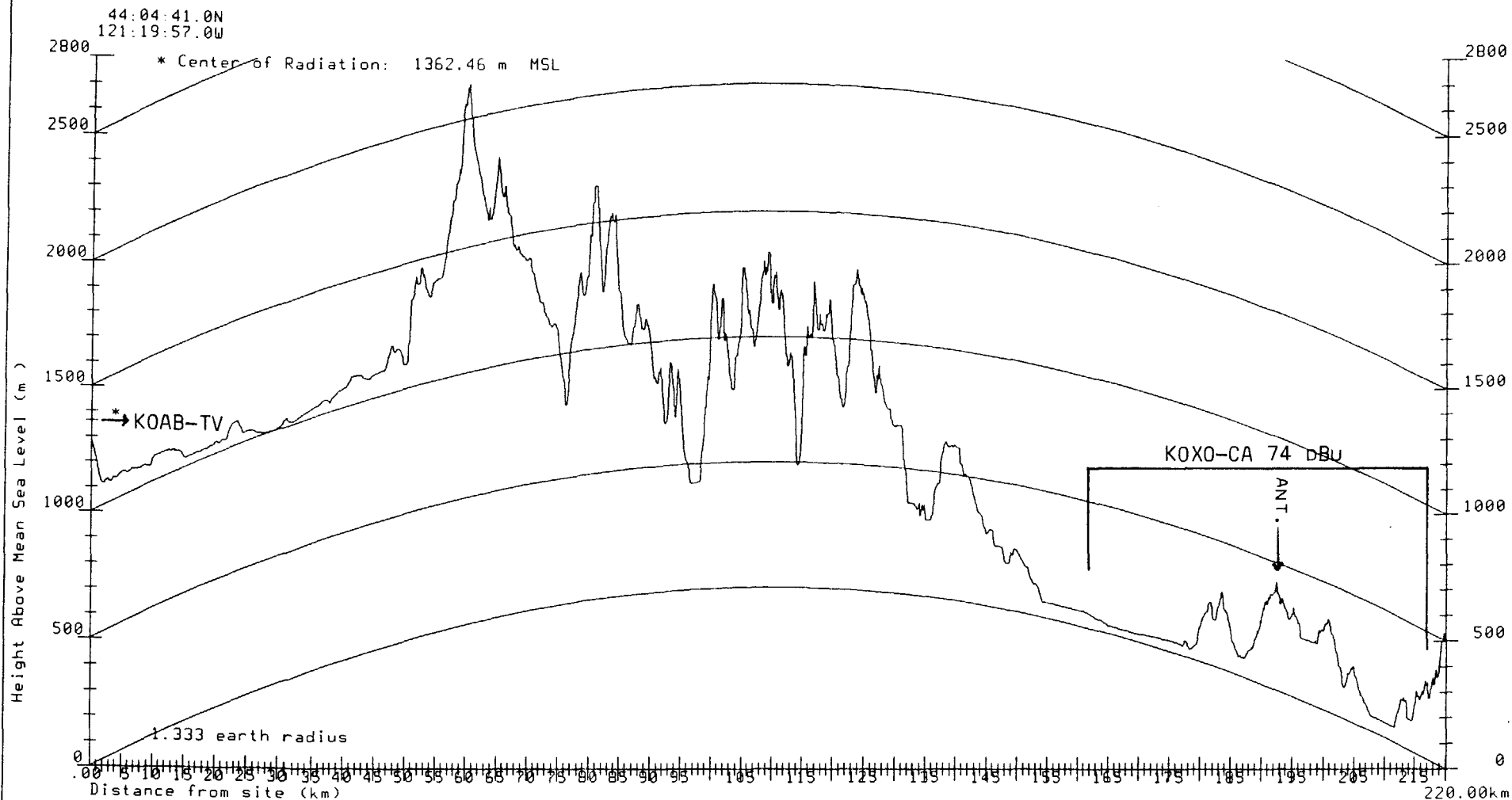


Robert A. McClanathan, P.E.  
McClanathan and Associates, Inc.  
P.O. Box 939  
Portland, OR 97207

June 11, 2001

# KOAB-TV SITE - BEND, OREGON to KOXO-CA SITE - NEWBERG, OREGON

Page 1  
TERRAIN PROFILE GRAPH  
Azimuth 318.0



Elevation values from:  
3-second elevation data

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EXHIBIT 1



## EXHIBIT 2

**KOXO-CA**

74.0 dBu f(50,50)

45:21:17.0N  
122:59:23.0W

29.0 dBu f(50,10)

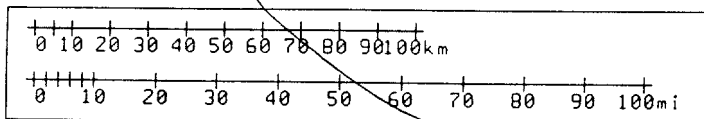
46.0 dBu f(50,10)

64.0 dBu f(50,50)

44:04:40.0N  
121:19:49.0W

**KTVZ CH. 21**  
**126 kW ERP, DA**

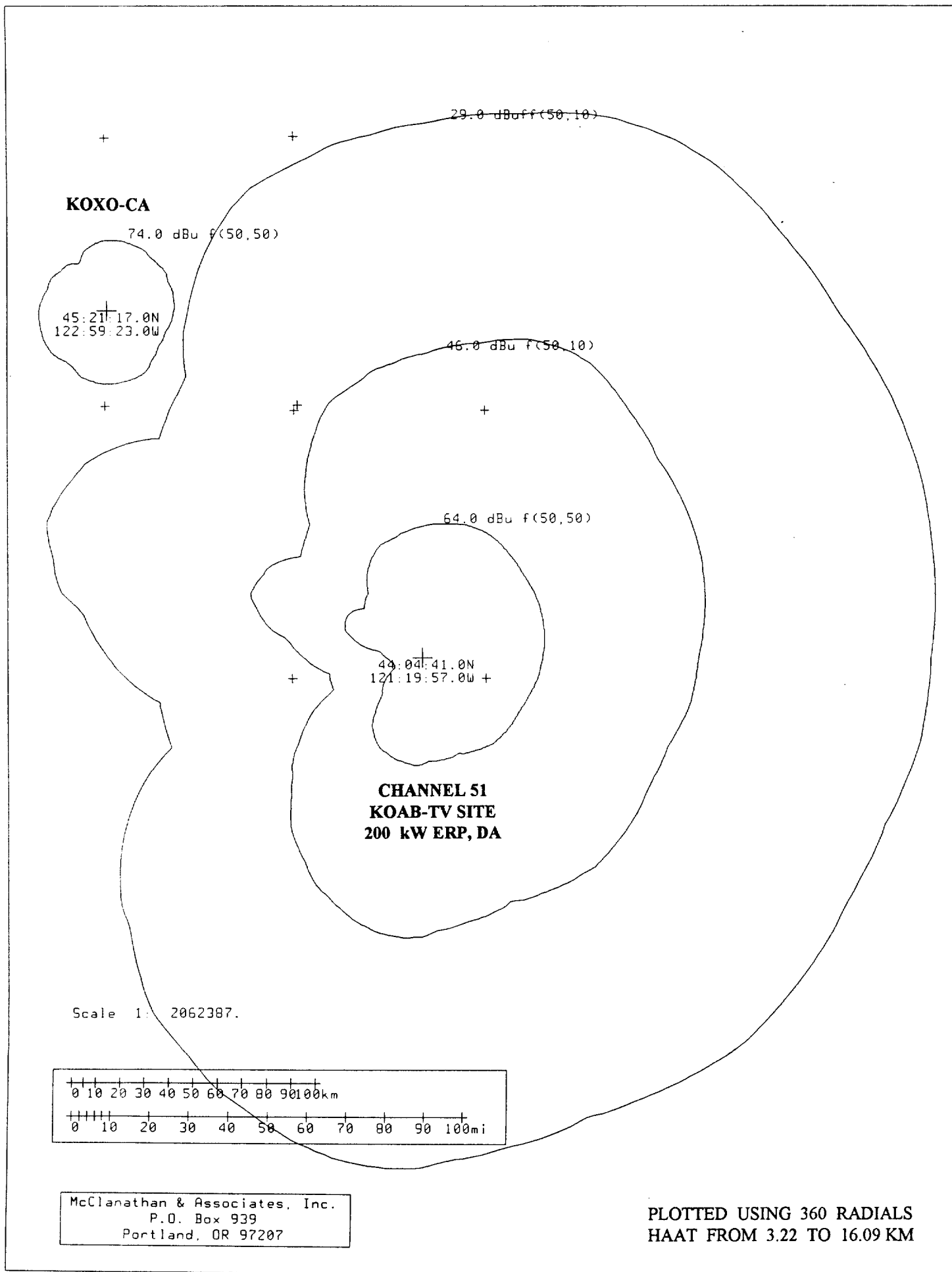
Scale 1: 2009263.



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Portland, OR 97207

**PLOTTED USING 360 RADIALS**  
**HAAT FROM 3.22 TO 16.09 KM**


# EXHIBIT 3



CERTIFICATE OF SERVICE

I, Harry F. Cole, hereby certify that on this 15th day of June, 2001, I caused copies of the foregoing "Reply Comments of 3-J Broadcasting Company" to be placed in the United States mail, first class postage prepaid, addressed to the following individuals:

Brian W. Brady  
Bend Licenses, Limited Partnership  
810 Chestnut Street  
Bowling Green, Kentucky 42101 <sup>1/</sup>

  
/s/ Harry F. Cole  
Harry F. Cole

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<sup>1/</sup> Mr. Brady did not include his address in the "Comments of Bend Licenses, Limited Partnership" to which these Reply Comments are responsive. The address indicated above was taken from the return address on the envelope in which those Comments were received by undersigned counsel.